



Marc Wolstenholme
5 Shetland Close
Coventry, England CV5 7LS
Telephone: 044 7827964404
Email: marc@mvwolf-fiction.co.uk
Plaintiff in Pro Per

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARC WOLSTENHOLME,

Plaintiff,

vs.

RIOT GAMES, INC.,

Defendant

CASE NO. 2:25-CV-00053-FMO-BFM

HON. FERNANDO M. OLGUIN

PLAINTIFF'S OPPOSITION TO
DEFENDANT'S MOTION TO DISMISS
PURSUANT TO FEDERAL RULE OF CIVIL
PROCEDURE 12(B)(6) AND MOTION FOR
A MORE DEFINITE STATEMENT
PURSUANT TO RULE 12(E)

DATE: FEBRUARY 13, 2025
TIME: 10:00 A.M.
CRTRM: 6D

COMPLAINT FILED: OCTOBER 31, 2024
DEFAULT JUDGMENT FILED JANUARY
07, 2025:
COMPLAINT - SHORT FORM: JANUARY
01, 2025
AMENDED COMPLAINT FILED:
JANUARY 04, 2025- ACCEPTED:
JANUARY 10, 2025

Dated this: JANUARY 10, 2025

M. Wolstenholme.
[MARC WOLSTENHOLME]

I. INTRODUCTION

Plaintiff, Marc Wolstenholme ("Plaintiff"), respectfully submits this Opposition to Defendant Riot Games, Inc.'s ("Defendant") Motion to Dismiss under Rule 12(b)(6) and Motion for a More Definite Statement under Rule 12(e). Defendant's motion erroneously asserts that Plaintiff's Complaint fails to meet the pleading standards under the Federal Rules of Civil Procedure. Contrary to Defendant's arguments, Plaintiff's Complaint sufficiently alleges facts that, if true, state claims for relief under the Copyright Act, California's Unfair Competition Law, and other causes of action. Additionally, the Complaint provides Defendant with sufficient notice to prepare an appropriate defense.

Plaintiff has exchanged many communications with the Defendant, providing upwards of 1000 strands of evidence supporting his allegations. These communications, spanning months, gave Defendant ample opportunity to understand the Plaintiff's complaints. Furthermore, Defendant has failed to serve any response or notices to the Plaintiff and failed to file a proper response to the court summons. Plaintiff also filed an amendment to the complaint, which has been accepted by the district court and served on the Defendant prior to the Motion to Dismiss being filed with the federal court.

Plaintiff alleges this is a continuation of the bad faith negotiations and threats against a vulnerable adult. Plaintiff argues that the Defendant's Motion to Dismiss is not an honest reflection of the Plaintiff's efforts to engage with pretrial discovery as the primary means for clarifying claims. Plaintiff further alleges that the Defendant has refused to cooperate and obstructed his attempts to advance the complaints and engage in pretrial discovery. Defendant's

1 motion lacks merit as it misrepresents Plaintiff's efforts and disregards the case management
2 hearing already set with the district court.

3 Plaintiff possesses substantial evidence, including:

- 4 • **UK Copyright registration** details for "Bloodborg: The Harvest"
- 5 • **Submissions of Copyrighted** material with dates and times.
- 6 • **Comparative analyses** demonstrating substantial similarities between
7 Plaintiff's work and Defendant's animated series "Arcane" & "Blood Sweat & Tears Official
8 Music Video." & "Welcome to Noxus - Bite Marks."
9
10 • **Communications with Riot Games** and its subsidiaries, including Riot
11 Forge, that demonstrate Defendant's awareness of Plaintiff's work.
12
13 • **Medical Records of the Plaintiff** paired to a Psycho-Emotional Analysis
14 of Trauma in Arcane, demonstrating how it matches therapy of trauma writing used in
15 Bloodborg, from medical records.
16
17 • **Records of bad faith negotiations** and legal threats, which exacerbated
18 Plaintiff's emotional distress.

19
20 For the reasons set forth below, the Court should deny Defendant's Motion to
21 Dismiss or, alternatively, grant Plaintiff leave to amend the Complaint.
22

1
2 **II. LEGAL STANDARD**
3
4

5 Under Rule 12(b)(6), a complaint should not be dismissed unless it fails to state a
6 claim upon which relief can be granted. The Court must accept all factual allegations as true and
7 draw all reasonable inferences in favor of the Plaintiff. (Ashcroft v. Iqbal, 556 U.S. 662, 678
8 (2009); Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)). A complaint need only include
9 "a short and plain statement of the claim showing that the pleader is entitled to relief" (Fed. R.
10 Civ. P. 8(a)(2)).
11

12 Under Rule 12(e), a motion for a more definite statement is appropriate only if a
13 complaint is "so vague or ambiguous that the party cannot reasonably prepare a response." Such
14 motions are disfavored because the federal rules favor liberal pleading standards and pretrial
15 discovery as the primary means for clarifying claims.
16

1 **III. ARGUMENT**

2 A. Plaintiff Has Properly Stated a Claim for Copyright Infringement (17 U.S.C. §
3 501)

4 1. Ownership of Copyright: Plaintiff's Complaint alleges ownership of the
5 copyrighted work "Bloodborg: The Harvest," created between 2018 and 2019, and submitted to
6 Riot Forge and others in 2020. Plaintiff holds exclusive rights under the Copyright Act, which
7 Defendant does not contest at this stage.

8 2. Infringement by Defendant: The Complaint alleges that Defendant copied
9 significant elements of "Bloodborg: The Harvest" to create the animated series ARCANÉ, plus
10 the BLOOD SWEAT & TEARS Official Music Video, plus the WELCOME TO NOXUS -
11 BITE MARKS cinematic, including narrative themes, character arcs, and specific aesthetic
12 choices for all of these products. Plaintiff's comparative analysis will further demonstrate these
13 substantial similarities, which include but are not limited to thematic parallels, character designs,
14 psycho-emotional narrative frameworks, and key plot points. These allegations meet the standard
15 for pleading a claim of copyright infringement, as Plaintiff is not required to prove infringement
16 at this stage but merely allege facts sufficient to state a claim. (Feist Publ'ns, Inc. v. Rural Tel.
17 Serv. Co., 499 U.S. 340, 361 (1991)).

18 B. Plaintiff's Complaint Satisfies the Rule 8(a) Pleading Standard Defendant's
19 argument that the Complaint lacks a narrative structure is baseless. Federal Rule of Civil
20 Procedure 8(a) requires only a "short and plain statement" of the claim. Plaintiff's allegations
21 clearly identify:

- 22 • The copyrighted work at issue ("Bloodborg: The Harvest").
23
24
25
26
27

- The alleged acts of infringement (e.g., copying characters, themes, and narrative structures in ARCANÉ, plus the BLOOD SWEAT & TEARS Official Music Video, plus the WELCOME TO NOXUS - BITE MARKS cinematic).

- The harm Plaintiff has suffered (loss of revenue, reputational harm, and emotional distress).

C. Plaintiff's Other Causes of Action Are Sufficiently Pled

1. Unfair Competition (Cal. Bus. & Prof. Code § 17200): Plaintiff alleges that Defendant engaged in unlawful business practices by misappropriating Plaintiff's intellectual property for commercial gain. These allegations satisfy the standard for unfair competition under California law.

2. Intentional Infliction of Emotional Distress: Plaintiff alleges that Defendant's legal representatives made threats regarding excessive legal fees, knowing Plaintiff's vulnerability due to complex PTSD. These actions are sufficiently alleged to be extreme, outrageous, and directly causing Plaintiff severe emotional harm. Plaintiff alleges the retaliations of people from Riot Games and its sister companies, along with the toxic and threatening community and cultural climate it fosters, has added to the emotional harm caused.

D. Defendant's Rule 12(e) Motion for a More Definite Statement Should Be Denied Defendant's request for a more definite statement is unnecessary and improper. The Complaint provides sufficient detail for Defendant to understand the claims and prepare a response. Any additional clarification can be achieved through discovery, consistent with the purpose of the Federal Rules.

1 **IV. CONCLUSION**

2

3 For the foregoing reasons, Plaintiff respectfully requests that the Court deny

4 Defendant's Motion to Dismiss under Rule 12(b)(6) and Motion for a More Definite Statement

5 under Rule 12(e). Alternatively, if the Court finds any portion of the Complaint insufficient,

6 Plaintiff requests leave to amend pursuant to Rule 15(a)(2).

7

8

9

10

11

12 The Plaintiff, Marc Wolstenholme, M.W. Wolf.

13 Date: JANUARY 10, 2025

14 Signed: *M. Wolstenholme.*

15

16

17

18

19

20

21

22

23

24

25

26

27